

REMARKS

The Examiner has objected to the disclosure under 35 CFR 1.163(a) and 35 U.S.C. §112, first paragraph. I

In paragraph "A" the Examiner has requested that the botanical name of the plant be italicized. Applicant has amended the specification to italicize the botanical name of the plant. Withdrawal of this objection is respectfully requested.

In paragraph "B," the Examiner has objected to the recitation "interspecific cross" as not being a proper specific epithet or species name of the claimed plant. Applicant has amended the specification to remove this recitation and to substitute "*hybrida*." Withdrawal of this objection is respectfully requested.

In paragraph "C," the Examiner has requested clarification of the name and patent number of the cultivar described in paragraphs [0003] and [0080]. Applicant has amended the specification to recite the correct variety name and United States Plant Patent number.

In paragraph "D," the Examiner has requested correction of the descriptions of the photographs. Applicant has amended the specification to correct these descriptions.

In paragraph "E," the Examiner has requested a statement that the claimed cultivar is stable and reproduces true to type in successive generations of asexual reproduction. Applicant has so amended the specification.

In paragraph "F," the Examiner has requested correction of the claim to include the word "plant" after "Osteospermum." Applicant has amended the claim as requested by the Examiner.

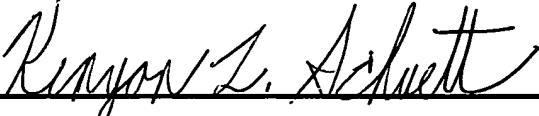
The claim is rejected under 35 U.S.C. §112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant. Applicant has amended the specification for a more complete description of the present invention. Withdrawal of this rejection is respectfully requested.

Attached hereto are marked-up and clean versions of the specification. The attached pages are captioned "**Version with markings to show changes made**" and "**Clean Version**".

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Reply to Final Office Action dated June 21, 2004

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In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. § 112 and 37 C.F.R. 1.163. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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Version with markings to show changes

TITLE

Osteospermum Plant Named 'Kakegawa AU12'

GENUS AND SPECIES

[0001] ~~Osteospermum interspecific cross~~ Osteospermum hybrida.

VARIETY DENOMINATION

[0002] 'Kakegawa AU12'

BACKGROUND OF THE NEW PLANT

[0003] The variety 'Kakegawa AU12' originated from a cross made in March 2001 in Misato, Japan. The female parent was a tetraploid ~~Osteospermum sp.~~ Osteospermum sp. developed using the variety '~~Lemon Symphony~~' (US PP 13,385) '~~Seikilrem~~' (US PP 13,407). The male parent was an unnamed ~~Dimorphotheca sinuate~~ Dimorphotheca sinuate with small, yellow flowers, shiny petals, long internodes and prostrate habit. Seed from this cross was sown in June 2001 and plants were transplanted to the outdoor field. In October 2001, single-plant selections were made for vegetative propagation using plant habit and flower color as selection criteria. One selection, designated breeder code M2-123, became the new variety 'Kakegawa AU12'. The traits of 'Kakegawa AU12' were found to be reproducible, stable and true to type in successive generations of asexual propagation.

DESCRIPTION OF PHOTOGRAPH PHOTOGRAPHS

[0004] This new ~~Osteospermum~~ Osteospermum plant is illustrated by the accompanying ~~photograph~~ photographs which ~~shows~~ show blooms and foliage of the plant in full color. The colors shown are as true as can be reasonably obtained by conventional photographic procedures.

[0005] Fig. 1 shows ~~a close-up view of a single inflorescence~~ a close-up view of several inflorescences.

[0006] Fig. 2 shows ~~the mature inflorescence~~ the entire plant, including flower buds, open blooms and foliage.

DESCRIPTION OF THE NEW CULTIVAR

[0007] The following detailed descriptions set forth the distinctive characteristics of 'Kakegawa AU12'. The data which defines these characteristics were collected from asexual reproductions carried out in Salinas, California. Data was collected on plants 20 weeks from transplanting rooted cuttings into 16 cm diameter pots, one plant per pot. Color references are to the RHS Colour Chart of The Royal Horticultural Society of London (RHS).

DESCRIPTION OF THE NEW PLANT

Classification:

[0008] Family: Compositae

[0009] Botanical: Osteospermum interspecific cross Osteospermum hybrida

Parentage:

[0010] Female parent - breeding line 'Lemon Symphony' (US PP 13,385)
'Seikilrem' (US PP 13,407)

[0011] Male parent - breeding line Dimorphotheca sinuate Dimorphotheca sinuate (unnamed)

Growth:

[0012] Time to produce a rooted cutting - Cuttings will colonize a 2.5 cm diameter by 2.5 cm tall greenhouse tray cell with peat-based plant media in approximately four weeks. Cuttings are dipped in a normal dilution (1:9) of Dip 'N Grow™ DIP 'N GROW root inducing solution in water. The trays are misted hourly during rooting.

[0013] Environmental conditions for plant growth - Rooted cuttings are transplanted to pots with a 16 cm diameter, one plant per pot. Peat moss-based growing media is used. The pots are watered using a 150-200 ppm fertilizer solution containing 18% nitrogen, 8% phosphorus and 18% potassium. The soil is allowed to dry between waterings. During the first few weeks after transplanting the plants should have evening temperatures around 15-18°C for good root growth. When plants reach 7.5-10 cm in height they are pinched back to 5-6 leaves to promote

branching. Spring and summer daytime high temperatures in Salinas, California, where the data was collected, range from 16-25°C.

[0014] Time to bloom from propagation - Approximately four weeks when rooted vegetative cuttings are transferred to a 16 cm. diameter pot. Flowering season is all year in the United States. Vernalization is not required to induce flowering.

[0015] Habit - Mounding

[0016] Life cycle - Perennial

Plant:

[0017] Form - low growing, open branching

[0018] Plant Size - height is 25-40 cm; width 35-50 cm

Stems:

[0019] Internode length - 0.5-2.0 cm

[0020] Stem color - Yellow-green (RHS N144A)

[0021] Stem description - Ancipital

[0022] Stem diameter - 4.0-5.0 mm

[0023] Pubescence - Slight

[0024] Pubescence shape - Linear

[0025] Pubescence color - White (RHS N155A)

Leaves:

[0026] Arrangement - Alternate

[0027] Shape - Oblanceolate

[0028] Apex - Mucronate

[0029] Base - Decurrent

[0029] Margin - Serrate

[0030] Venation - Pinnate

[0031] Surface - Dull, smooth

[0032] Surface pubescence - Slight, white (RHS N155A)

[0033] Length - 4.0-6.5 cm

[0034] Width - 1.2-1.5 cm

- [0035] Thickness - 1.0 mm
- [0036] Color - Upper is green (RHS 137A); Lower is green (RHS 137A)
- [0037] Venation color - Upper is green (RHS 137C); Lower is green (RHS 137C)
- Inflorescence:**
- [0038] Type - Capitulum (head); disc florets are perfect and ray florets are carpellate.
- [0039] Diameter - 5.5-7.0 cm
- [0040] Depth - 2.5-3.0 cm
- [0041] Petal numbers - 20-24
- [0042] Disc diameter - 1.0-1.2 cm
- [0043] Disc floret number - 105-110
- [0044] Flowering habit - Determinate
- [0045] Flowers life span - 3-4 days
- [0046] Fragrance - None
- [0047] Seed production - None
- [0048] Peduncle length - 5.0-9.0 cm
- [0049] Peduncle diameter - 2.0-3.0 mm
- [0050] Peduncle color - Yellow-green (RHS 146B)
- [0051] Peduncle texture - Pubescence
- [0052] Phyllaries - 20-24 per inflorescence, free, arranged symmetrically; Length - 1.3-1.5 cm; Width - 2.0-3.0 mm; Apex - Acute; Margin - Entire; Shape - Linear, acute; Color - Upper, green (RHS 141B); Lower, green (RHS 143A)
- Ray florets.**
- [0053] Corolla - One petal per ray floret. Only the outer row of florets are the ray florets.
- [0054] Petals length- 3.6-3.7 cm
- [0055] Petal width - 0.6-0.8 cm
- [0056] Petal shape - Spathulate
- [0057] Petal apex - Acute

- [0058] Petal margin - Entire
- [0059] Petal color - Upper, yellow (RHS 11A) with base violet-blue (RHS 96A); Lower, yellow (RHS 12A) with base yellow-green (RHS 150D)
- [0060] Petal pubescence - Glabrous
- [0061] Ovary - Superior
- [0062] Pistil length - 0.8-0.9 cm
- [0063] Stigma form - One style with two stigma branches
- [0064] Stigma color - Blue (RHS 103A)
- [0065] Style color - White (RHS N155A)
- Disk florets:**
- [0066] Bud color - Green (RHS 137C)
- [0067] Bud shape - Tubular
- [0068] Bud apex - Rounded
- [0069] Bud surface - Pubescent
- [0070] Bud size - Length 1.4-1.6 cm; width 1.0 mm
- [0071] Pistil form - One style with two stigma branches
- [0072] Ovary - Superior
- [0073] Style color - White (RHS N155A)
- [0074] Stigma color - Blue (RHS 103A)
- [0075] Stamens - 5, fused into a single tube
- [0076] Anther color - Purple (RHS 103A)
- [0077] Pollen color - Yellow-orange (RHS 23A)

DISEASE AND INSECT RESISTANCE

- [0078] Plants are susceptibility susceptible to aphids, thrips, whiteflys, whiteflies and worms.

COMPARISON WITH KNOWN CULTIVARS

- [0079] 'Kakegawa AU12' is most similar to the variety 'Lemon Symphony' 'Seikilrem' (US PP 13,407). The two plants differ in leaf size, pollen color and flower petal colors. For 'Kakegawa AU12'; AU12, petals are medium yellow in color with a

small area of violet-blue at the base of the petal. The two color areas are very distinct and have no fading. The petals of ~~Lemon Symphony~~ 'Seikilrem' are lighter yellow and have a darker violet-blue base. The petal base color tends to fade into the yellow found on the upper portion of the petal. The following Table 1 compares the differences between the two plants.

Table 1

Trait	'Kakegawa AU12'	'Lemon Symphony' <u>'Seikilrem'</u>
Petals	Yellow (RHS 11A) petals with solid base of violet-blue (RHS 96A)	Yellow (RHS 11B) petals with violet-blue (RHS N92B) at the base
Leaf Size	Length: 4.0-6.5 cm Width: 1.2-1.6 cm	Length: 3.0-4.0 cm Width: 0.8-1.2 cm
Pollen color	Orange (RHS 23A)	Orange (RHS 25B)

CLAIM

I claim:

1. A new and distinct cultivar of Osteospermum *Osteospermum* plant as shown and described herein.

ABSTRACT

[0080] An Osteospermum *Osteospermum* cultivar particularly distinguished by its yellow flower color and tendency to hold flowers open later in the evening.